

Mar-07-05 11:47am From JD CLEVELAND

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T-731 P.002/012 F-731

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Alaimo, et al.
Title : Foot Orthotic
Application No. : 10/648,065
Filing Date : 8/26/03
Examiner : Anthony D. Stashick
Group Art Unit : 3728
Attorney Docket : 101990025005

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

In response to the Office Action mailed February 23, 2005, please amend the application as follows.

The Commissioner is authorized to charge any fee due for this Amendment to the Jones Day Deposit Account No. 50-1432, Reference 101990025005.

CERTIFICATE OF TRANSMISSION
I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office (Fax No. 703-872-9309) on 3/7/05.

Mitchell Rose
Mitchell Rose

PATENT APPLICATION FEE DETERMINATION RECORD
Effective January 1, 2003

Application or Docket Number

10/648065

CLAIMS AS FILED - PART I

(Column 1) (Column 2)

TOTAL CLAIMS	22	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	22 minus 20 =	2
INDEPENDENT CLAIMS	4 minus 3 =	1
MULTIPLE DEPENDENT CLAIM PRESENT		<input type="checkbox"/>

* If the difference in column 1 is less than zero, enter "0" in column 2

CLAIMS AS AMENDED - PART II

(Column 1) (Column 2) (Column 3)

AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	22	22
Independent	3	4	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

SMALL ENTITY TYPE OR OTHER THAN SMALL ENTITY

RATE	FEES	RATE	FEES
BASIC FEE	375.00	OR BASIC FEE	750.00
X\$ 9=	18	OR X\$18=	
X42=	42	OR X84=	
+140=	-	OR +280=	
TOTAL	435	OR TOTAL	

SMALL ENTITY OR OTHER THAN SMALL ENTITY

RATE	ADDI- TIONAL FEE	RATE	ADDI- TIONAL FEE
X\$ 9=		OR X\$18=	
X42=		OR X84=	
+140=		OR +280=	
TOTAL ADDIT. FEE		OR TOTAL ADDIT. FEE	

3-7-05

(Column 1) (Column 2) (Column 3)

AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	36	22
Independent	8	4	4
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

RATE	ADDI- TIONAL FEE	RATE	ADDI- TIONAL FEE
X\$ 9=	350	OR X\$18=	
X42=	400	OR X84=	
+140=		OR +280=	
TOTAL ADDIT. FEE	750.00	OR TOTAL ADDIT. FEE	

AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total		
Independent			
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

RATE	ADDI- TIONAL FEE	RATE	ADDI- TIONAL FEE
X\$ 9=		OR X\$18=	
X42=		OR X84=	
+140=		OR +280=	
TOTAL ADDIT. FEE		OR TOTAL ADDIT. FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

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2202 \$350 ⑧
2201 \$400 ⑦

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CL1277029v1

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<u>Mitchell Rose</u> Mitchell Rose	

Claim 52

Claim 52 recites stocking foot orthotics of different arch heights in packages. Each package is imprinted with a reference footprint that is indicative of the arch height of the orthotic in the package.

None of the references discloses or suggests the claimed packages, much less the claimed reference footprints imprinted on the packages. Therefore, claim 52 is patentable over the prior art.

Claims 53-54

Claims 53-54 depend from claim 52. The limitations that they add to claim 52 distinguish them further from the prior art. Therefore, claims 53-54 also are patentable.

The application should now be in condition for allowance, and allowance is requested.

Respectfully submitted,

Mitchell Rose

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(216)586-7094

Date: 3/7/05